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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/811,655	03/20/2001	Takashi Shinzaki	1075.1151	9981
21171	7590	09/26/2007		
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			EXAMINER BHATTACHARYA, SAM	
			ART UNIT	PAPER NUMBER
			2617	
			MAIL DATE	DELIVERY MODE
			09/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/811,655

Applicant(s)

SHINZAKI, TAKASHI

Examiner

Sam Bhattacharya

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,52,53 and 56-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,52,53 and 56-60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date see attached 1449s.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/16/07 has been entered.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1, 52, 53 and 56-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoghooghi et al. (US 5,959,260) in view of Irvin (US 6,195,568) and Muramatsu et al. (US 6,477,391).

Regarding claims 1, 52, 53 and 60, Hoghooghi discloses a mobile phone 100 carried by an authorized user to perform electronic information processes, including a main body 102; a battery pack 106 detachably attached to the main body, the battery pack having an I/O section 112 to input information (handwriting, gestures, commands or annotations) to the battery pack from outside the mobile phone, and to output information from the battery back to the outside of the mobile phone; and an interface section 514/116, disposed on the contact surface between the battery pack and the main body, providing communications between the main body and the battery pack, wherein the battery pack and the main body operate together to allow biometric or

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user verification (handwriting) information of a user of the mobile phone to be input to the main body from outside the mobile phone for biometric verification purposes (by handwriting recognition engine 560) by being input to the battery pack through the I/O section and being input to the main body from the battery pack through the interface section, and to allow information to be output from the main body to outside of the mobile phone by being output from the main body to the battery pack via the interface section and being output from the battery pack to outside the mobile phone through the I/O section. The handwriting information input to the main body from outside the mobile phone by being input to the battery pack provides additional functionality to the mobile phone. See FIGS. 1 and 5 and col. 4, line 18 – col. 5, line 43 and col. 6, lines 25-43.

Hoghooghi fails to disclose that the user verification function specifically verifies the identity of an authorized user of the mobile phone based on the biometric information.

In an analogous art, Irvin discloses a mobile phone that includes a user verification function that verifies the identity of an authorized user of the mobile phone based on a comparison of handwriting information. See FIG. 4 and col. 5, line 34 – col. 6, line 16. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Hoghooghi by incorporating this feature taught in Irvin for the purpose of directing appropriate subscription and billing information to the identified user.

The combination of Hoghooghi and Irvin fails to disclose that the interface section is an optical communications section which receives/transmits optical signals as the input/output signals.

In an analogous art, Muramatsu teaches the interface section is an optical communications section which receives and transmits optical signals as the input/output signals ("light guide 103" in Col. 7, line 36 to Col. 8, line 14 and Figure 11). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Hoghooghi and Irvin wherein the interface section is an optical communications section which receives/transmits optical signals as the input/output signals, as taught by Muramatsu, in order to associate a mobile phone with external instruments in a non-contact manner.

Regarding claim 56, Hoghooghi discloses that the battery pack contains a processor 560 for utilizing the biometric information to provide the user verification function.

Regarding claim 57, Hoghooghi discloses that the battery pack contains a memory 558 for storing personal data of an authorized user of the mobile phone.

Regarding claim 58, Hoghooghi discloses that the battery pack communicates a result of the user verification function to the main body of the mobile phone. See FIG. 5.

Regarding claim 59, Hoghooghi discloses that the processor compares the personal data stored in the memory with the biometric information of a user of the mobile phone that is input into the input/output section of the battery pack, to provide the user verification function. See col. 6, lines 29-36.

Response to Arguments

4. Applicant's arguments filed 7/16/07 have been fully considered but they are not persuasive.

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Examiner respectfully disagrees with Applicant's arguments.

Applicant admits that Muramatsu teaches an interface section that uses optical communications, since infrared is a form of optical communication. Examiner points out that in arguing that the light guide in Muramatsu does not transfer signals between a battery pack and a main body of a telephone, Applicant is attacking references individually where the rejections are based on combinations of references. As explained previously, Examiner relies on Hoghooghi for a teaching of an interface section disposed on the contact surface between the battery pack and the main body. And Examiner relies on Muramatsu for a teaching of an interface section that is an optical communications section which receives and transmits optical signals as the input/output signals. Therefore, Examiner relies on the combination of Hoghooghi and Muramatsu, and not Muramatsu alone, for a teaching of an optical communications means for optically receiving/ transmitting signals as the input/output signals, disposed on a contact surface between the battery pack and the main body.

Similarly, Examiner relies on Hoghooghi for a teaching of an interface section for transferring the input/output signals relating to the biometric information between the main body and the battery pack. And Examiner relies on Muramatsu for a teaching of an interface section that is an optical communications section which receives and transmits optical signals as the input/output signals. Therefore, Examiner relies on the combination of Hoghooghi and Muramatsu, and not Muramatsu alone, for a teaching of an optical communication means for transferring the input/output signals relating to the biometric information between the main body and the battery pack.

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In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Bhattacharya whose telephone number is (571) 272-7917. The examiner can normally be reached on Weekdays, 9-6, with first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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